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expected to command confidence." The demand for the recall of judicial decisions was the popular reaction to the growing recognition that the courts were exercising a political, rather than a judicial function, and were exercising it on the whole not too well. Professor Freund evidently would not advocate the piling of checks on checks as was done by the advocates of the recall. Instead he pleads powerfully for the further development of the principles of legislation. But the reader will not be surprised when he discovers, towards the end of the volume, that the author does not put a high estimate on the value of the courts as a constructive factor in the development of principle.

Most interesting to the student of government rather than of jurisprudence is the treatment in the final chapter of legislative practice as a constructive factor. He points how, in European countries in which legislation is entirely uncontrolled by the courts, its quality is, generally speaking, higher than it is in America. It is more likely to provide a proper adjustment between vested private interests and the public interests, to avoid unwisely indefinite penal provisions, to reveal a proper correlation of provisions, and to show due consideration for the principle of standardization. This technical superiority he ascribes mainly to the practical monopoly of legislative initiative possessed by the executive branch of the government. He consequently advocates increased executive participation in American legislation. In particular he suggests the further development of the practice of entrusting special commissions with the preparation of bills, the delegation of further powers to administrative commissions, the organization of drafting bureaus, and the codification of standing clauses. He also suggests that the chief executives be granted the right to introduce bills into the legislatures and to be represented in the debates thereon. These suggestions are not new, but the treatment is fresh and stimulating. The book as a whole is an admirable piece of work. It cannot fail to give a strong impetus to the growing interest in and respect for the science of legislation.

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Studies in the Problem of Sovereignty. By HAROLD J. LASKI.
(New Haven: Yale University Press. 1917. Pp. 297.)

This work constitutes an important contribution to the literature of that brilliant school of political writers who are forging for us a new

and more satisfactory theory of the nature of the state. It should be read especially in connection with Maitland's classic introduction to Gierke's *Political Theories of the Middle Ages*, and Figgis's *Churches in the Modern State*. In essence this theory is that the state is a corporate personality, and as such shares the nature of other corporate persons. It involves a theory of the nature of corporations which is slowly gaining recognition among jurists, and is championed in America by Professors Ernst Freund and Roscoe Pound; that group-units are real and not fictitious persons, and that their character as persons is not derived by concession from the state but springs from their possession of a unified and corporate will. Thus unincorporated associations, as trade unions, are coming to be recognized as possessing corporate character, as being juristic persons, and hence the subjects and objects of rights, because they possess such a unified will. The state is viewed as merely a species of this wider genus of corporation.

Upon this general foundation, Figgis and Laski have built their doctrine of the limitations of state sovereignty. They have been primarily interested in showing that since the state is merely one among many other group-units, since these others exist independently of it and command the allegiance of their members in exactly the same way as the state commands the allegiance of its subjects—viz., on the ground of common consent—there are spheres of rights which these enjoy which must not be invaded by the state. Its sovereignty is limited by the rights which churches, for example, possess. These are sovereign within their appropriate spheres as it is within its sphere. Nor does the state possess what the Germans call *Kompetenz-Kompetenz*, the power to delimit the competence of subordinate authorities. Rather is this determined simply by the ability of the one or the other authority to command support for its mandates.

Obviously the implications of this doctrine are very far reaching. Not only does it mean an abandonment, or at least a serious impairment of the theory of the sovereignty of the state, but it involves the revival of the eighteenth century doctrine of natural rights, now, however, attached to group-units instead of to individuals.

The material upon which Figgis and Laski have both principally drawn for demonstration of their postulates is the ecclesiastical history of the nineteenth century. Laski has utilized for his purpose most successfully the disruption of the Scotch Church (1843), the Oxford Movement, the Catholic revival in England, the Catholic reaction in France following the French Revolution of which De Maistre was the

chief apostle, and the *Kulturkampf* in Germany. Erastianism in each of these cases is perceived to be the necessary outcome of a high theory of state sovereignty, and any theory of the state which involves its right to interfere with men's consciences must, it is held, be fallacious. One is forcibly impressed with the fact that political theory even today springs in no small degree from the relations of church and state.

Whether in every particular these ideas will withstand the effect of criticism, there is no doubt that they offer in some respects a much better explanation of contemporaneous political tendencies and movements than the Hegelian theory that the state is an all-inclusive metaphysical organism, which governs the practical politics of modern Germany.

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The Leveller Movement. A study in the History and Political Theory of the English Great Civil War. A dissertation submitted to the faculty of the Graduate School of Arts and Literature, University of Chicago. By THEODORE CALVIN PEASE. (Washington: American Historical Association. 1916. Pp. x, 406.)

George Thomason, the indefatigable collector and arranger of the priceless collection of civil war tracts now in the British Museum, tells us that this "chargeable and heavy burthen . . . continued about the space of twenty years, in which time I buried three of them who took great pains both day and night with me in that tedious employment."

Any one who has ever dipped, though never so slightly, into this enormous mass of over twenty-two thousand crabbed controversial pamphlets, can appreciate the "chargeable and heavy burthen" also involved in the careful analysis of the Leveller movement here given us by Mr. Pease, and the debt we owe him in consequence. It is a very solid and valuable contribution to history and political science, and much the most detailed and thorough study we have of the political theory of probably the most interesting group in a most momentous period—a task well worth doing.

The Levellers were merely a number of agitators and pamphleteers and their followers, whom their enemies slightly and rather loosely designated by that name; but Mr. Pease clearly shows that they were